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PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Patent Application of Garces Garces, <i>et al.</i>	: Group Art Unit: 1615
Appln. No.:	10/018,922	: Examiner: Susan T. Tran
Filed:	April 18, 2002	: Confirmation No. 8270
For:	MICROCAPSULES - IV	: Attorney Docket : No.: H 4222 PCT/US

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER "PRIOR" PATENTS

Cognis Iberia S. L. ("Cognis"), whose place of business is Poligono San Vincente, Castellbisbal, Barcelona, Spain, 08755, represents that it is the owner of the entire interest in and to the above-identified U.S. patent application and the two United States Patents listed below. Cognis, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of the first to expire of the following prior United States patents: USP 6,818,296, issued November 16, 2004; and USP 6,733,790, issued May 11, 2004 ("the prior commonly assigned patents"), or of any patent issuing from any application which is entitled to the benefit of the filing date of the prior commonly assigned patents under 35 U.S.C. 120, and hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the prior commonly assigned patents or any application which is entitled to the benefit of the filing date thereof. This agreement is to

Serial No. 10/018,922
Art Unit: 1615

run with any patent granted on the instant application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Cognis does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior commonly assigned patents as shortened by any terminal disclaimer filed prior to issuance, in the event that any such prior commonly assigned patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I, Arthur G. Seifert, Registration No. 28,040, represent that I am the attorney of record and as such am authorized to sign on behalf of the assignee identified below owning all of the interest in the above identified application. I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The terminal disclaimer fee under 37 CFR 1.20(d) in the amount of \$130.00 is requested to be charged to Deposit Account No. 50-1177. Order No. 05-0189

Respectfully submitted,

May 13, 2005
(Date):

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